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AUG 2015
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SEALED
UNSEALED 9/1/15

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

MIGUEL ANGEL PLASCENCIA (1),
aka Roberto Medina
Daniel
PAUL JIMENEZ (2),
EDGAR RAFAEL FIGUEROA-RUIZ (3),

Defendants.

Case No. **15 MJ 2355**

COMPLAINT

Title 21 U.S.C., Sec., 841(a)(1) and
846- Conspiracy to Possess a
Controlled Substance with the Intent to
Distribute (FELONY).

FILED

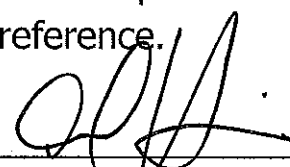
AUG 03 2015

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

The undersigned complainant being duly sworn states:

That on and before June 25, 2015, within the Southern District of California, defendants MIGUEL ANGEL PLASCENCIA (aka Roberto Medina, Daniel), PAUL JIMENEZ, and EDGAR RAFAEL FIGUEROA-RUIZ did knowingly and intentionally conspire to possess with intent to distribute approximately 7.5 pounds of heroin a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and 846.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



DANIEL G. HARRISON, TFO
Drug Enforcement Administration

Sworn to me and subscribed in my presence this 3 day of August 2015.



WILLIAM V. GALLO
United States Magistrate Judge

PROBABLE CAUSE STATEMENT

I declare under penalty of perjury that the following is true to the best of my knowledge:

1. In December of 2014, a San Diego County Sheriff's (SDSO) confidential source (CS) identified MIGUEL PLASCENCIA (PLASCENCIA) as a source of supply (SOS) for heroin in San Diego County. The CS also identified PAUL JIMENEZ (JIMENEZ) as a "runner" for PLASCENCIA. A records check revealed that JIMENEZ lived at 335 33rd Street #110, San Diego, CA. The source stated that PLASCENCIA's nickname was "DANIEL." San Diego County Sheriff's Detective Jose Martinez initiated an investigation into PLASCENCIA'S activities.

2. On January 30, 2015, Sherriff's Detective Martinez obtained a State Search Warrant for 4875 Unit "HM" Franklin Avenue, San Diego, CA, a location determined to have been rented by PLASCENCIA. When the warrant was executed no one was home, but detectives seized approximately 4.08 pounds of heroin and approximately 22.2 grams of methamphetamine from the apartment. Detectives also seized a toothbrush from the bathroom inside the apartment and submitted it for DNA testing. It later returned with a hit on a male named "Roberto Medina," who had been arrested on April 02, 2010, for possession of heroin for sales. I conducted a Sheriff's booking records check and determined that "Medina" listed his son as Arlen Plascencia and his wife as Maria Valenzuela. Based upon my investigation, I believed "Roberto Medina" is PLASCENCIA.

3. While executing the warrant, detectives also saw that there were several miscellaneous documents and receipts, including what agents recognized, based on their training and experience, to be a "pay and owe" sheet. Specifically, one sheet of paper had nine names and numbers next to them. The names were nicknames and not legal names. The numbers were between 600 and 26,900 and appeared to be a pay and owe sheet for the individuals mentioned. I know

narcotics traffickers will use nicknames when documenting illicit activities to avoid detection if law enforcement seizes said documents. Another document was labeled with "Power School" on the top left corner and appeared to be a schedule of classes for a student. The document listed the name "Francisco Javier Carrillo" with a photograph next to the name depicting a Hispanic male adult. The male's face was clearly visible in the black and white photograph. Next to the name were the numbers "12," "101295401", and the word "Lincoln", denoting that "Francisco Carrillo" was in the 12th grade at Lincoln High School in San Diego (Lincoln High School is directly across the street from apartment.#110). Also among the documents, there were four receipts from the past year for rent payment. The receipts were made out to "Rosario" written by the apartment manager/complex owner Paul Todd.

4. Utilizing California's DMV database, detectives located a driver's license for "Francisco Javier Carrillo." The license had the address of 4039 Newton Avenue Apt C, San Diego. The address was updated on Carrillo's license on December 18, 2014. Detectives looked at Carrillo's DMV photo in the CAL PHOTO system by typing his driver's license number "XXXX3914." The DMV photo depicted was of the same Hispanic male in the "Power School" document for Francisco Javier Carrillo, as mentioned above.

5. Detectives later conducted a public search of www.facebook.com while conducting follow-up on names associated with the case. *Facebook* is a social networking website where users can create and customize their own profiles with photos, videos, and information about themselves. *Facebook* users have "friends" who are also *Facebook* users; those "friends" can browse the profiles of other "friends" and write messages on their pages. Detectives typed in "Javier Carrillo Lincoln High" into the search engine. The result led Detective Martinez to a profile for Francisco J. (Pancho) Carrillo. The personal information listed on the profile said that he went to Lincoln High School in 2013 and currently lived in San

Diego, California. The profile picture depicted a Hispanic male adult that Detective Martinez recognized from CAL PHOTO and the "Power School" document as Francisco Javier Carrillo. He looked through Carrillo's friends list and located "Rosario Valenzuela" as one of his friends. The personal information listed on the profile said that Rosario currently lived in San Diego, CA. The profile photograph depicted a Hispanic female adult. The background photo depicted a Hispanic male adult with two children between the ages of five and ten. There was one girl and one boy who were both wearing red shirts. Detective Martinez believed this profile to be for Maria "Rosario" Valenzuela and suspected the male in the photos to be "DANIEL" (PLASCENCIA).

6. Based on this information, I contacted SDG&E for records associated with 4039 Newton Avenue apartment C. SDG&E returned with the name "Teresa Noriega" as the subscriber of utilities, however, MIGUEL ANGEL PLASCENCIA, amongst several others, was listed as a co-applicant.

7. On February 3, 2015, Detective Martinez obtained a tracker search warrant authorized by the San Diego County Superior Court, allowing electronic GPS (Global Positioning System) monitoring of JIMENEZ's tan Ford Explorer, with CA license 5ALR629, via the installed tracking device for a period of 30 days. Later in the day on February 3, 2015, the tracker device was placed on JIMENEZ's Explorer.

8. This tracking device is capable of storing data for all movement and/or stops made by a conveyance on which it is installed for an entire period of monitoring. The movements of a tracker can be viewed by users and or investigators on a corresponding website which provides a timeline for any movement by the conveyance on which the tracker is installed. As such, agents determined through historical data stored on the tracking device activity of the tan Ford Explorer.

9. During February of 2015, Sheriff's Detectives were conducting surveillance of JIMENEZ when they observed him meet with an unknown male on the side of the road. During the surveillance, Detective Martinez observed the unknown male give JIMENEZ what appeared to be U.S. currency. JIMENEZ counted the U.S. currency and in return handed the unknown male something. The unknown male put it into his sock. Based on his training and experience, Detective Martinez believed this to be a drug transaction.

10. Following the drug deal, JIMENEZ drove away and out of the area. Detectives maintained surveillance of the unknown male as he walked on the sidewalk. The unknown male did not make any stops or have physical contact with anyone. Detectives subsequently contacted the unknown male in a parking lot. During the contact, Detective Martinez conducted a search of the male and located two bindles of a black tar-like substance recognized as heroin in his right sock (the same place he saw the male place it after he handed JIMENEZ the bundle). The male was arrested for violation of HS 11350(a), Possession of a Controlled Substance. The substance later tested presumptive positive as heroin.

11. The male admitted that he had just purchased the two bindles of heroin found in his right sock from a Hispanic male he knew as "PAUL." In addition, the male voluntarily provided information to law enforcement and stated his SOS of heroin is known only as "DANIEL," with cellular phone number (858) 837-4527. The male stated that "Daniel" always sends a "runner," or drug dealer, instead of showing up himself.

12. During March of 2015, Sheriff's Detectives were conducting surveillance of JIMENEZ in San Diego County. They observed JIMENEZ meet up with another male (different than the male in February) on the side of the road. The male entered the front passenger seat of JIMENEZ's tan 2002 Ford Explorer bearing California license plate 5ALR629. A few seconds later, the male exited the vehicle and JIMENEZ drove away. Sheriff's Detectives contacted the male who

was determined to be on probation. Detective Martinez searched the male and located a black bottle in his right pocket of his shorts. Inside of the bottle, there were two bindles containing a black tar-like substance that Detective Martinez recognized as heroin. The heroin tested positive with a NIK field test kit and had a net weight of 1.5 grams. The male was subsequently arrested for violation of HS 11350(a).

13. During processing, the male stated that his SOS of heroin is known only as "DANIEL" at cellular phone number (619) 372-0799. The male elaborated that "DANIEL" always sends a "runner," or drug dealer, instead of showing up himself. The male stated that he has purchased heroin from "DANIEL" for the past year and buys heroin at least four times per week. The male stated that he has only dealt with "DANIEL'S" runner named "PAUL." The male stated that he never has direct phone contact with "PAUL." The male stated that "PAUL" is a Hispanic male adult that drives a tan Ford Expedition-type vehicle. (I know that Ford/Lincoln SUV products: Explorers, Expeditions, and Navigators have a similar appearance.) The male stated that he met up with "PAUL" just before he was contacted by the police. The male stated he bought one gram of heroin from "PAUL."

14. On May 7, 2015, surveillance units observed Maria Valenzuela and an unidentified male moving items from 4039 Newton Ave. to 3830 Gamma Street. The unidentified male was seen driving a white Toyota Tundra, bearing California license plate number 6S34007.

15. On May 12, 2015 at 6:00 am, members of NTF Team 2 established surveillance of PLASCENCIA'S new residence at 3830 Gamma Street in San Diego. At 0805 hours, I saw PLASCENCIA and Maria Valenzuela get into a gold Lincoln SUV, bearing CA license plate 5KZR098, with three children. They left the residence and drove to Baker Elementary School, where they dropped off the

children. They then drove to a small grocery store at 30th Street and Oceanview Blvd where SA Madariaga saw PLASCENCIA walk into the store while Valenzuela stayed in the driver's seat of the Lincoln.

16. PLASCENCIA walked back to the Lincoln and they drove back to 3830 Gamma Street. I saw them park in the driveway and enter the residence at approximately 0835 hours. At 12:20 pm, I saw PLASCENCIA exit his residence and walk up hill towards South 39th Street from the alley. TFO Epperson saw PLASCENCIA get into a black Mercedes, bearing CA license plate 7KGP957, that was parked on South 39th Street. PLASCENCIA sat in the Mercedes for approximately one minute looking around. He then drove to the 24th Street Trolley Station, arriving at 1237 hours. PLASCENCIA met with a male and left. Surveillance was terminated.

17. I later conducted records checks of the Mercedes license plate, i.e. CA license plate 7KGP957, in the License Plate Reader database. It returned with five hits on the 3900 block of Marine View Avenue in San Diego, the most recent being on May 3, 2015.

18. On May 13, 2015, at approximately 6:00 am, NTF Team 2 agents established surveillance in the area of the 3900 block of Marine View Ave. in San Diego based on the License Plate Reader hits on the Mercedes, described above. Upon arrival, I saw a white Toyota Tundra, bearing California license plate number 6S34007, that was previously observed being driven by an unidentified PLASCENCIA associate. At approximately 7:50 am, I observed the same unidentified associate enter the Toyota Tundra and head west towards the entrance into the Interstate 5 (I-5) North freeway. I did not see which residence the male came out of. Agents and officers maintained observations on the

Toyota Tundra, driven by the male, as it entered the I-5 North and eventually merged toward the I-15 North freeway.

19. At approximately 8:00 am, TFO Ellington observed the Toyota Tundra arrive at an apartment complex located at 335 S. 33rd St. and enter through the gate of the apartment complex. As previously mentioned herein, JIMENEZ, PLASCENCIA's other runner, lives in this apartment complex.

20. At approximately 8:10 am, I observed the Toyota Tundra, driven by the same male, drive away from 335 S. 33rd St. Surveillance agents and officers maintained observations on the Toyota Tundra.

21. At approximately 8:20 am, I observed the Toyota Tundra arrive near Irving Ave. and park in an alley south of Irving Ave. between Sicard St. and Sampson St., near Ocean View Blvd. in San Diego, CA. I contacted the San Diego Police Department (SDPD), who sent a marked patrol unit to be in the area for a traffic stop.

22. At approximately 8:44 am, SDPD Patrol Officers conducted a traffic stop on the Toyota Tundra. During the stop, the driver was identified as EDGAR RAFAEL FIGUEROA-RUIZ (FIGUEROA-RUIZ). FIGUEROA-RUIZ spoke mainly Spanish and possessed a Mexican ID card, but did not possess a U.S. driver's license or ID. FIGUEROA-RUIZ stated that his DOB was March 03, 1991. FIGUEROA-RUIZ further stated that he lived in the Logan Heights area and provided an address that was later determined to be nonexistent.

23. At approximately 9:05 am, SDPD officers completed the field interview with FIGUEROA-RUIZ and he was released. Surveillance on FIGUEROA-RUIZ and the Toyota Tundra was terminated.

24. Based on my training, experience, and knowledge of the case, I believe that FIGUEROA-RUIZ met with JIMENEZ at JIMENEZ'S apartment complex, located at 335 S. 33rd Street, to resupply JIMENEZ with narcotics for him (JIMENEZ) to distribute to PLASCENCIA'S narcotics customers.

25. On May 21, 2015 at 6:00 am, members of NTF Team 2 again established surveillance on the 3900 block of Marine View Avenue in San Diego. At 8:30 am, I observed FIGUEROA-RUIZ exit the apartment located at 3982 Marine View Avenue #2. FIGUEROA-RUIZ looked around intently while standing on the balcony from his second story apartment.

26. FIGUEROA-RUIZ then walked to a gray 2003 Toyota Sequoia, bearing CA license plate 6GMK895, and stopped. FIGUEROA-RUIZ looked up and down the street again. He then climbed under the Sequoia and looked around the undercarriage of the vehicle. It appeared as if FIGUEROA-RUIZ was checking for a GPS tracker. He also looked in the engine compartment for a tracker.

27. FIGUEROA-RUIZ then got into the Sequoia and was followed by surveillance agents. I saw the Sequoia turn onto the 300 block of 33rd Street, PAUL JIMENEZ's home. This conduct is consistent with FIGUEROA-RUIZ dropping off heroin to JIMENEZ to make deliveries for PLASCENCIA.

28. Due to the fact that FIGUEROA-RUIZ drove straight from the residence on Marine View Ave. to JIMENEZ'S residence, it is my opinion that FIGUEROA-RUIZ was maintaining a stash of narcotics in the apartment, located at 3982 Marine View Avenue #2, to deliver to JIMENEZ at his residence, located at 335 S. 33rd Street.

29. On June 04, 2015 at 1140 hours, members of NTF Team 2 established surveillance of PLASCENCIA's residence at 3830 Gamma Street in San Diego. I

saw the gold Toyota Tacoma (CA 8J02198) parked in the driveway. At 1150 hours, I saw the gold Lincoln SUV (CA 5KZR098) pull into the driveway from the alley. MIGUEL PLASCENCIA got out of the Lincoln SUV and walked into the house. At 1155 hours, I saw PLASCENCIA and Maria Valenzuela walk out of the house and sit in an outdoor patio. They sat and talked for approximately 10 minutes.

30. On June 8, 2015, members of NTF Team 2 established surveillance at 3982 Marine View Drive #2. At 1600 hours, TFO Harrison saw FIGUEROA-RUIZ park on 3900 Marine View Ave. in the grey Toyota Sequoia (CA 6GMK895). He walked to 3982 Marine View Ave. #2 and keyed into the front door. While walking, FIGUEROA-RUIZ was looking around intently

31. On June 23, 2015, at approximately 8:00 am, NTF Team 2 established surveillance of 3982 Marine View Ave. At approximately 8:10 am, I saw PLASCENCIA arrive in his black Mercedes and park on 3900 Marine View Ave. PLASCENCIA walked to 3982 Marine View Ave. #2 and used a key to enter the apartment. At approximately 9:20 am, PLASCENCIA exited the apartment. I took two photos of PLASCENCIA as he exited.

32. On June 25, 2015, members of the Narcotics Task Force Team 2 established surveillance on 3830 Gamma Street in San Diego to execute a state search warrant. The residence previously identified as belonging to PLASCENCIA. NTF Team 5 established surveillance on 3982 Marine View Avenue #2 in San Diego to execute a state search warrant.

33. At 0900 hours, I saw PLASCENCIA exit 3830 Gamma Street and walk to Beta Street. PLASCENCIA walked eastbound on Beta Street and got into the Toyota Sequoia (CA 6GMK895). I directed SDPD Officers Ansari #6865 and Moss #6973 to stop the Sequoia pursuant to the search warrants.

34. They initiated a traffic stop on 38th Street north of Beta Street. PLASCENCIA was detained and officers and agents served the warrant at 3830

Gamma Street. I knocked and announced, "Police with a search warrant demanding entry!" Maria Valenzuela answered the door and was detained on the porch without incident. At the same time, the search warrant was served.

35. SDPD Officer Ansari searched the Sequoia and located three cellular phones in the front compartment. He also located in PLASCENCIA'S pants pocket a napkin with numbers written on it as if someone were adding and a receipt. Officer Ansari looked under the Sequoia and located a sock with a magnet attached under the rear bumper. Officer Ansari searched the sock and located numerous baggies with a black substance inside. The substance appeared to be heroin and was packaged in small bindles for distribution. PLASCENCIA was arrested for H&S 11351.

36. The residence at 3830 Gamma Street was searched. TFO Ellington searched the master bedroom and located three cellular phones on the night stand and a pay and owe sheet with numerous names and numbers written beside the names. There were also envelopes with "Arlen" and "Adrian Plascencia's" names on them. A small box in the drawer contained a Raven Arms .22 caliber handgun (Serial #034264).

37. On the top shelf of the closet, TFO Herrin found a briefcase with a handgun case on top of it. In the handgun case was a 9mm Smith and Wesson semi-automatic handgun (Serial #MPF3047) with bullets loaded into two magazines. There were also two empty magazines. A records check revealed the handgun was reported stolen on July 4, 2011, in Coronado, CA. In the briefcase, TFO Herrin located \$32,222.00 in U.S. currency, a photo of PLASCENCIA, the DMV title to the 2001 Toyota Tundra (CA 6S34007), and the DMV title to the 2003 Mazda van (CA 6ZQX497). In the back of the closet, TFO Juns found a Remington 870 shotgun (Serial #B716459M). The shotgun had a gun lock attached to it.

38. I spoke to Maria Valenzuela, who stated she lived there with her two children and her niece. I asked her who Miguel was. She ultimately said he was her husband. I asked her about how he made money. She told me he was gone all day and she did not know. Valenzuela said she had two children with PLASCENCIA and they also had custody of their niece. She identified her children as Arlen Plascencia and Adrian Plascencia. Her niece is Paola Juarez and she stated all three were at school.

39. I called for a Sheriff's K9 for assistance. SDPD Officer Ansari drove PLASCENCIA to his residence. Deputy P. Vail #0606 arrived at 1020 hours and interviewed PLASCENCIA in Spanish. PLASCENCIA told Deputy Vail he lived at the home at 3830 Gamma Street. PLASCENCIA said he had about \$50,000 in his closet and said he earns money by selling cars and doing construction work. Deputy Vail asked PLASCENCIA which construction company he worked for. PLASCENCIA said he did not work for a company and just helps people out when they need it.

40. At 1030 hours, Deputy Vail brought his narcotics sniffing K9 into the home. The dog alerted on the cash as having the odor of narcotics. I took the key ring that had been on PLASCENCIA'S person when he was arrested and drove to 3982 Marine View Ave. #2. One of the keys turned and unlocked the security screen on the front door.

41. The above listed evidence was seized per the search warrant and PLASCENCIA was booked into San Diego Central Jail for 11351 H&S, 11352(a) H&S, 11350(a) H&S, 11370.1 H&S, and 29800(A)(1) PC.

42. I later tested and weighed the suspected heroin found under the Toyota Sequoia. It tested positive for heroin and had a gross weight of 258 grams.

43. On June 25, 2015, at approximately 7:30 am, agents and officers established surveillance in the area surrounding the residence located at 3982

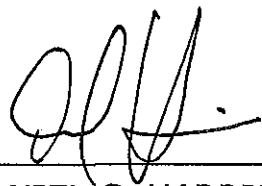
Marine View Ave. #2, San Diego, CA, in anticipation of serving a State Search at the said residence. The residence was suspected to be a stash house operated by PLASCENCIA and FIGUEROA-RUIZ.

44. At approximately 9:00 am, a State Search Warrant was served at 3982 Marine View Ave. #2, San Diego, CA. After a proper knock and notice, the entry team breached the front door and entered the location; the residence was secured without incident, and there were no persons found to be on the property. In the bedroom on the southeast side of the apartment, I found a black backpack inside the closet located on the southwest corner of the bedroom. TFO Nunez opened the backpack, as witnessed by SA Madariaga and the search team, and found several packages of suspected heroin. The bag had the distinctive smell of heroin, which is a vinegar-like smell. TFO Nunez searched the main compartment of the bag and found several packages of different sizes: three (3) large oval shaped bindles wrapped in plastic marked with "R7" and "R14", and lined with dryer sheets inside; one (1) large brick of black substance wrapped in vacuum sealed plastic; and two (2) Ziploc sandwich bags containing large chunks of black substance. TFO Nunez also found numerous gram quantity bindles of a black substance wrapped in white or clear plastic bag in the front pocket of the backpack. Two scales were also found in the backpack, as well as three (3) receipts (two cash remittance receipts and one (1) ARCO gasoline receipt). The black substance later tested presumptively positive for heroin, a Schedule I controlled Substance, and weighed over 7 pounds.

45. The kitchen was searched and agents found a receipt for an auto repair on a Toyota Tundra with CA license plate 6S34007 . The Toyota Tundra was observed by agents numerous times being driven by PLASCENCIA's narcotics runner FIGUEROA-RUIZ and an unidentified Hispanic male conducting what agents believed to be narcotics transactions. The phone number (270-577-7331) listed on the auto repair receipt and cash remittance receipt was the same

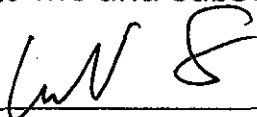
phone number given by FIGUEROA-RUIZ when he was stopped by SDPD on May 13, 2015. The kitchen was further searched by the search team and a box of plastic heat rolls as well as a heat sealer were found above the stove. Agents and officers also found two grocery bags full of large plastic wrapping and used plastic heat rolls containing what was believed to be heroin residue. Based on training and experience, as well as knowledge of the case, SA Madariaga believes that the heat rolls and heat sealer were used to package heroin. Moreover, based on the size of the wrapping, SA Madariaga believes that the plastic bags with heroin residue contained pound or more quantities of heroin before being unwrapped.

46. Based on the above stated facts, I believe there is probable cause to believe that MIGUEL ANGEL PLASCENCIA (aka Roberto Medina, Daniel), PAUL JIMENEZ, and EDGAR RAFAEL FIGUEROA-RUIZ, have conspired to possess heroin with intent to distribute.



DANIEL G. HARRISON, TFO
Drug Enforcement Administration

Sworn to me and subscribed in my presence this 3 day of August 2015.



WILLIAM V. GALLO
United States Magistrate Judge